

Remarks/Arguments

Claims 1-6 are pending in the application. Claims 1 and 2 have been withdrawn from consideration. Claims 7-10 have been added. The amendment is fully supported by the original disclosure. No new matter has been introduced. Reconsideration and allowance of claims 3-10 in view of the following remarks is respectfully requested.

The restriction of Group I (claims 1, 2 and 4-6) and Group II (claim 3):

The Examiner has restricted the claims to two groups. Group I includes claims 1, 2 and 4-6, drawn to an apparatus. Group II includes claim 3, and is drawn to a method for advancing a natural casing.

In response, Applicant provisionally elects Group II with traverse. Applicant believes the restriction between claim 3 and claims 1 and 2 to be proper, however, the restriction between claims 3 and claims 4-6 to be improper. In particular, claim 3 recites "projecting jets of water towards and against a downstream portion of the casing to slidably propel the casing longitudinally in a downstream direction towards the discharge end." Similarly, independent apparatus claim 4 recites "a nozzle manifold having spaced openings adapted to project fluid against the casing so as to cause the casing to slidably propel longitudinally in a downstream direction toward the discharge end of the stuffing tube." The Examiner's stated reason for the restriction is that "in this case, the process of advancing a natural casing along the length of the hollow meat stuffing tube can be performed by hand, for example, the hand can really grasp the casing and move the hand/casing along the tube." Applicant asserts that this reasoning does not address all of the

limitations of independent apparatus claim 3, and specifically does not address the above-recited limitation of "projecting jets of water." As the Examiner has not provided any specific argument as to why the step of "projecting jets of water" of claim 3 could reasonably be performed by hand, Applicant submits that the reasoning for the restriction requirement is insufficient to meet the burden on the Examiner to provide a reasonable example reciting material differences between independent method claim 3 and independent apparatus claim 4.

Additionally, Applicant submits that any additional argument by the Examiner will be insufficient to meet the Examiner's burden of providing a reasonable example reciting the material differences between independent method claim 3 and independent apparatus claim 4. Specifically, Applicant asserts that there is no reasonable example showing "projecting jets of water toward and against a downstream portion of the casing to slidably propel the casing longitudinally in a downstream direction toward the discharge end" by hand. Accordingly, Applicant asserts that independent method claim 3 cannot be performed by hand. Accordingly, the restriction between claims 3 of Group II and claims 4-6 of Group I should be withdrawn.

Applicant's new claims 7-10:

Pursuant to MPEP 806.05(e), Applicant has added new independent claim 7 and dependent claims 8-10 directed to an apparatus claim including a claim to "means" for practicing the process of independent method claim 3. Accordingly, the claim 7 is a rewritten version of independent method claim 3 replacing "method" with "system" and adding "means for" language in front of each step of method claim 3. According to MPEP practice of Section 806.05(e) and 809.04 new claim 7 is a "linking claim"

and "must be examined with the elected invention," and "if it is ultimately allowed, rejoinder is required."

Conclusion:

In view of the above amendments and remarks, Applicant believes that claims 3-10 are in condition for allowance, and Applicant respectfully requests allowance of such claims. If any issues remain that may be expeditiously addressed in a telephone interview, the Examiner is encouraged to telephone the undersigned at 515-558-0200.

No fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account 50-2098.

Respectfully submitted,



TIMOTHY J. ZARLEY
Reg. No. 45,253
ZARLEY LAW FIRM
Capital Square
400 Locust Street, Suite 200
Des Moines, Iowa 50309
Phone No. 515-558-0200
Fax No. 515-558-7790

Attorney of Record

TJZ/JJL/kc